

**THIRD DAY**  
(Continued)

(Wednesday, October 4, 1972)

**After Recess**

The Senate met at 8:55 o'clock a.m., and was called to order by Senator Aikin.

Reverend W. H. Townsend, Chaplain offered the invocation.

**Communication from the President of the Senate**

Senator A. M. Aikin, Jr.  
Texas State Senate  
Capitol Building  
Austin, Texas 78711

Dear Senator Aikin:

I hereby authorize you to preside over the Senate Wednesday, October 4, 1972.

Sincerely,  
BEN BARNES

**Message From the Governor**

The following message received from Governor was read and referred to Committee on State Affairs, Subcommittee on Nominations:

Austin, Texas  
October 4, 1972

To the Senate of the Sixty-second Legislature, Fourth Called Session:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments:

To be Members of the Advisory Council on Community Affairs: For a one-year term to expire January 31, 1973: Mayor L. W. Stolz, Jr., of La Grange, Fayette County; Mayor Louie Welch of Houston, Harris County; Tom R. Parrett of San Angelo, Tom Green County; Dr. John E. Hutchison of College Station, Brazos County; Watt Murrah of Del Rio, Val Verde County; Robert L. Peters of Odessa, Ector County; For a two-year term to expire January 31, 1974: Mayor Bernis W. Sadler of Port Arthur, Jefferson County; Judge Peyton M. Walters of Livingston, Polk County; Richard David Brown of Austin, Travis County; Edwin B. Daniel of Wichita Falls, Wichita County; Kenneth Barr of Fort Worth,

Tarrant County; James L. Philips of Houston, Harris County.

Respectfully submitted,  
PRESTON SMITH  
Governor of Texas.

**Message From the House**

Hall of the House of Representatives  
Austin, Texas,  
October 3, 1972

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 12, In memory of Charles E. Coombes.

H. C. R. No. 13, In memory of Robert Lee Bobbitt.

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

**Reports of Standing Committees**

By unanimous consent, Senator Mauzy submitted the following report for the Committee on Education:

S. B. No. 18.

By unanimous consent, Senator Aikin submitted the following report for the Committee on Finance:

S. B. No. 27

S. B. No. 28

S. B. No. 30

S. B. No. 32

**Senate Bill 17 Referred**

The following bill was referred to the Committee indicated (the bill having been read first time on September 20 and submitted by the Governor as an emergency on October 2):

S. B. No. 17, To Committee on Finance.

**Executive Session**

On motion of Senator Christie and by unanimous consent the Senate agreed to hold an Executive Session at 9:00 o'clock a.m. today (he having given Notice on Monday.)

Accordingly, the Presiding Officer directed all those not entitled to at-

tend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations:

To be Members of the State Board of Registration for Public Surveyors: For a six-year term to expire September 6, 1977: William W. Green, of Corpus Christi, Nueces County, for reappointment; Arthur E. Probst, Jr., of Wichita Falls, Wichita County, for reappointment.

To be Members of the Trinity River Authority of Texas, Board of Directors: For a term to expire March 15, 1977: William Lamar Hamilton, of Palestine, Anderson County, for reappointment; Francis Suel Hill, of Fairfield, Freestone County, for reappointment; Bruce Smith, of Athens, Henderson County, for reappointment; Arthur C. Spencer, of Huntsville, Walker County, for reappointment; To fill the unexpired term of J. Philip Gibbs, Jr., of Huntsville, Walker County, resigned, term to expire March 15, 1973: A. R. Milentz, of Liberty, Liberty County; To fill the unexpired term of Gilbert Gresham, of Centerville, Leon County, resigned, term to expire March 15, 1975: Dudley Wilson, of Leona, Leon County.

To be a Member of the Governor's Commission on Physical Fitness: For a six-year term to expire June 13, 1977: Terry Townsend, of Austin, Travis County.

To be District Judge of the 83rd Judicial District until the next General Election and until his successor shall be duly elected and qualified: William H. Earney, of Marfa, Presidio County.

To be District Attorney of the 83rd Judicial District until the next General Election and until his successor shall be duly elected and qualified: Aubrey Edwards, of Big Lake, Reagan County.

To be Members of the Lavaca-Navidad River Authority, Board of Directors: For a six-year term to expire May 1, 1977: Arnold Koop, of

Edna, Jackson County, for reappointment; Allen L. Burditt, of Edna, Jackson County, for reappointment; W. C. Hollingsworth, of Edna, Jackson County, for reappointment.

To be a Member of the Texas State Historical Survey Committee: For a term to expire January 1, 1973: Mrs. J. Douglass Toole, Sr., of Houston, Harris County, to replace Roy Barre-ra, of San Antonio, Bexar County.

To be a Member of the Industrial Accident Board: To fill the unexpired term of Harold Harvey, of Lubbock, Lubbock County, term to expire September 1, 1975: James T. Sparks, of Austin, Texas, Travis County.

To be a Member of the Neches River Conservation District, Board of Directors: To fill the unexpired term of H. J. Shands, Sr., of Lufkin, Angelina County, resigned, term to expire September 5, 1973: Rufus H. Duncan, of Lufkin, Angelina County.

To be Members of the Upper Guadalupe River Authority: For a six-year term to expire November 1, 1976: Raymond Mosty, of Center Point, Kerr County, for reappointment; John D. Mahaffey, of Kerrville, Kerr County, to replace Fred Miller, of Kerrville, Kerr County; Edgar A. Wallace, of Kerrville, Kerr County, to replace G. E. (Gene) Lehmann, of Kerrville, Kerr County.

To be a Member of the John F. Kennedy Memorial Commission: For a six-year term to expire January 31, 1977: Mrs. Johnnie Mae Rice, of Austin, Travis County, to replace Edward W. Guinn, M.D., of Fort Worth, Tarrant County.

To be Commissioner of Labor Statistics: To fill the unexpired term of Jack Ray McLaughlin, of Fort Worth, Tarrant County, term to expire February 1, 1973: Arnold V. Fletcher, of Austin, Travis County.

To be a Member of the Lavaca County Flood Control, Board of Directors: For a term to expire January 1, 1973: Paul A. Najvar, of Hallettsville, Lavaca County, to replace James N. Bozka, of Hallettsville, Lavaca County.

To be a Member of the Guadalupe-Blanco River Authority, Board of Directors: To fill the unexpired term of Howard C. McKenna, of New Braunfels, Comal County, deceased,

term to expire February 1, 1975: H. E. Knox, of New Braunfels, Comal County.

To be a Member of the National Conference on Uniform State Laws: To fill the unexpired term of Raymond A. Lynch, of Midland, Midland County, deceased, term to expire July 7, 1973: Richard B. Amandes, of Lubbock, Lubbock County.

To be Members of the Radiation Advisory Board: For a six-year term to expire April 16, 1977: Frank L. Pascual, Jr., of Fort Worth, Tarrant County, to replace Hank Rabun, of Dallas, Dallas County; Dr. Philip C. Johnson, Jr., of Houston, Harris County, for reappointment; Edwin B. Locke, of Dallas, Dallas County, for reappointment.

To be Branch Pilots of the Brazos-Santiago Pass, Bar and Tributaries: For a four-year term to expire August 22, 1976: Captain E. S. Drake, of Brownsville, Cameron County; For a four-year term to expire August 6, 1976: Captain Stanley E. Ridley, of Brownsville, Cameron County.

To be District Judge of the 50th Judicial District until the next General Election and until his successor shall be duly elected and qualified: To fill the unexpired term of Joe Reeder, Jr., of Knox City, Knox County, who resigned: R. J. Balch, of Seymour, Baylor County.

To be District Attorney of the 29th Judicial District until the next General Election and until his successor shall be duly elected and qualified: To fill the unexpired term of Sam Cleveland, of Stephenville, Erath County, who resigned: Robert J. Glasgow, of Stephenville, Erath County.

To be Chief Justice of the Supreme Court of the State of Texas: Joe Greenhill of Austin, Travis County.

(Judge Greenhill is being appointed to fill the unexpired term of Robert W. Calvert, of Austin, Travis County, whose resignation becomes effective October 4, 1972.)

To be Associate Justice of the Supreme Court of the State of Texas: Hawthorne Phillips of Austin, Travis County.

(Mr. Phillips is being appointed to fill a vacancy created upon acceptance of the Chief Justiceship by

Judge Joe Greenhill on October 4, 1972.)

#### In Legislative Session

The President called the Senate to order as In Legislative Session at 9:21 o'clock a.m.

#### Senate Resolution 63

By unanimous consent, Senator Brooks offered the following resolution:

S. R. No. 63—Providing for the appointment of a five-member committee to investigate and determine whether abuses have occurred in the operation of conservation and reclamation districts.

The resolution was read and was referred to Committee on Natural Resources.

#### Recess

On motion of Senator Word the Senate at 9:22 o'clock a.m. took recess until 11:00 o'clock a.m. today.

#### After Recess

Senator Aikin called the Senate to order at 11:00 o'clock a.m. today.

#### Leave of Absence

Senator Connally was granted leave of absence for the remainder of today on account of important business on motion of Senator Hightower.

Senator Grover was granted leave of absence for the remainder of today on account of important business on motion of Senator Harris.

Senator Herring was granted leave of absence for the remainder of today on account of important business on motion of Senator Hightower.

#### Message From Governor

The following message received from the Governor was read and filed with Secretary of Senate:

To All to Whom These Presents Shall Come:

Under the provisions of Article III, Section 40, of the Constitution of the State of Texas, I, Preston Smith, Governor of the State of Texas, do hereby submit as additional subject for consideration in the Fourth Called Session, 62nd Legislature, the following:

(1) To enact legislation appropriating eight (8) million dollars to the Texas Department of Mental Health and Mental Retardation for the design and construction of phase one of the Fort Worth State School for the Mentally Retarded.

In testimony whereof, I have hereunto signed my name officially and caused the Seal of State to be affixed hereto at Austin, this the 3rd day of October, A.D., 1972.

[SEAL]

PRESTON SMITH,  
Governor of Texas.

ATTEST:  
BOB BULLOCK,  
Secretary of State.

#### Senate Bill 35 on First Reading

By unanimous consent, the following bill was introduced, read first time and referred to the Committee indicated:

By Senators Kennard, Creighton, McKool, Mauzy and Aikin:

S. B. No. 35, A bill to be entitled "An Act making an appropriation to the Department of Mental Health and Mental Retardation for the design and construction of the Fort Worth State School; and declaring an emergency."

To Committee on Finance.

#### Senate Resolution 67

By unanimous consent, Senator Blanchard offered the following resolution:

S. R. No. 67—Requesting the Economic Development Committee of the 63rd Legislature to make a thorough study of the Industrial Accident Board.

The resolution was read and referred to Committee on Administration.

#### Senate Resolution 63 Re-Referred

On motion of Senator Brooks, and by unanimous consent, S. R. No. 63 was withdrawn from the Committee on Natural Resources and re-referred to the Committee on Administration.

#### Recess

Senator Word moved that the Senate take recess until 11:00 o'clock a.m. tomorrow.

Senator Mauzy made the substitute motion that the Senate take recess until 4:00 o'clock p.m. today.

Question first on the motion to take recess until 11:00 o'clock a.m. tomorrow, the motion was lost.

Question recurring on the motion to take recess until 4:00 o'clock p.m. today, the motion prevailed by the following vote:

#### Yeas—20

Aikin	Mauzy
Beckworth	McKool
Blanchard	Patman
Bridges	Schwartz
Christie	Sherman
Creighton	Tippen
Hall	Wallace
Harrington	Watson
Hightower	Wilson
Kothmann	Word

#### Nays—6

Bernal	Jordan
Brooks	Kennard
Harris	Moore

#### Present—Not Voting

Snelson

#### Absent

Bates

#### Absent—Excused

Connally	Herring
Grover	

Accordingly, the Senate at 11:25 o'clock a.m. took recess until 4:00 o'clock p.m. today.

#### After Recess

Senator Aikin called the Senate to order at 4:00 o'clock p.m. today.

#### Message From Governor

The following message received from the Governor was read and filed with the Secretary of Senate:

To All to Whom These Presents Shall Come:

Under the provisions of Article III, Section 40, of the Constitution of the State of Texas, I, Preston Smith, Governor of the State of Texas, do hereby submit as additional subjects for consideration in the

Fourth Called Session, 62nd Legislature, the following:

(1) To permit the Texas Board of Corrections to exchange land in Fort Bend County with Sugarland Industries, Inc. for land of equal acreage.

(2) To amend Sections 135.03 and 135.51 of the Texas Education Code to allow granting Bachelor Degrees of Technical Education.

(3) To amend Article 1505a, 1525a, and 1525c, Vernon's Texas Penal Code, to allow spraying or other methods of treatment of livestock approved by Texas Animal Health Commission.

(4) To amend existing statutes relative to the use of and the fees charged for Hunting and Fishing licenses and allowing the issuance of combination licenses.

(5) To authorize appointment and payment of salaries and expenses of Juvenile Officers for Anderson, Henderson, and Houston Counties.

(6) To authorize the creation and funding of a county court at law for Anderson County.

(7) To authorize purchase of voting machines by counties of over 1,000,000 and for funding such purchases by issuance of negotiable certificates of indebtedness, and the levying of a tax to retire same.

(8) To authorize political subdivisions to acquire control and improve and lease air control facilities and to issue revenue bonds for such purposes.

(9) To amend Article 2238-1, Vernon's Texas Civil Statutes, by defining "child" as any person over 10 years of age and under seventeen years of age.

(10) To amend existing retirement statutes to provide credit for certain military, state employment and judicial services.

(11) To amend Articles 5139pp and 1970-550, Vernon's Texas Civil Statutes by including the Judge of the Bell County Court at Law as a member of the Bell County Juvenile Board.

(12) To allow the State Board of Control to make purchases for Po-

litical Subdivisions of the State of Texas.

(13) To appropriate funds for the Central Education Agency to establish a Junior College occupational extension center in Anderson County.

(14) To provide funds for Texas A & I University for a citrus and vegetable training center and for efficient beef production through Intense Forage Management Regimes.

(15) To amend Subsections (g) and (20) of Section 1.03a of Chapter 409, Acts of 1969, 61st Legislature (Article 7621d-2, Vernon's Texas Civil Statutes) to clarify the definition of the terms "Waste" and "Disposal System."

In testimony whereof, I have hereunto signed my name officially and caused the Seal of State to be affixed hereto at Austin, this the 3rd Day of October, A. D., 1972.

[SEAL]

PRESTON SMITH,  
Governor of Texas.

ATTEST:

BOB BULLOCK,  
Secretary of State.

#### Senate Bills on First Reading

The following bills were introduced, read first time and referred to the Committee indicated:

By Senators Aikin and Bridges:

S. B. No. 48, A bill to be entitled "An Act making appropriations to Texas A & I University; providing for severability; and declaring an emergency."

To Committee on Finance

By Senators Moore and Schwartz:

S. B. No. 36, A bill to be entitled "An Act authorizing the Texas Board of Corrections to convey the fee-simple title to the surface of a certain state-owned tract of land to a certain party, with mineral reservations and drilling restrictions, in exchange for certain land of equal acreage on the same terms; and declaring an emergency."

To Committee on State Affairs.

By Senator Watson:

S. B. No. 40, A bill to be entitled "An Act relating to the authority

of Texas State Technical Institute to grant bachelor of technical education degrees; amending Subsection (b) of Section 135.03 and Section 135.51, Texas Education Code; transferring Chapter 135 from Subtitle G to a new Subtitle H of Title 3, Texas Education Code; and declaring an emergency."

To Committee on Education.

By Senator Creighton:

S. B. No. 23, A bill to be entitled "An Act relating to the issuance of a combination hunting and fishing license; and declaring an emergency."

To Committee on Natural Resources.

By Senator Creighton:

S. B. No. 26, A bill to be entitled "An Act relating to increasing fishing license fees; removing certain exemptions; providing an effective date; and declaring an emergency."

To Committee on Natural Resources.

By Senator Creighton:

S. B. No. 24, A bill to be entitled "An Act relating to increasing resident and nonresident hunting license fees; deleting reciprocal privileges on migratory waterfowl; removing certain exemptions; amending Sections 1, 2, and 8, Chapter 320, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 895c, Vernon's Texas Penal Code); and declaring an emergency."

To Committee on Natural Resources.

By Senators Creighton, Hightower and Mauzy:

S. B. No. 38, A bill to be entitled "An Act relating to a cooperative purchasing service through the State Board of Control for counties, home-rule cities, cities, villages, and towns organized under general law, special districts, school districts, junior college districts, and other legally constituted political subdivisions of the state or combinations of these; and declaring an emergency."

To Committee on Intergovernmental Relations.

By Senator Watson:

S. B. No. 39, A bill to be entitled "An Act relating to the membership of the Bell County Juvenile Board and the compensation of its members;

amending Chapter 120, Acts of the 58th Legislature, 1963 (Article 5139-PP, Vernon's Texas Civil Statutes); amending Section 3, Chapter 208, Acts of the 60th Legislature, Regular Session, 1967 ((Article 1970-350, Vernon's Texas Civil Statutes), by adding a new Subsection (f); and declaring an emergency."

To Committee on Intergovernmental Relations.

By Senator Snelson:

S. B. No. 37, A bill to be entitled "An Act relating to the age of children under the jurisdiction of the juvenile court, amending Chapter 204, Acts of the 48th Legislature, 1943, as amended (Article 2338-1, Vernon's Texas Civil Statutes), and Section 2, Article 30, Penal Code of Texas, 1925; providing for severability; repealing all laws in conflict therewith to the extent of such conflict only; and declaring an emergency."

To Committee on Jurisprudence.

#### Report of Standing Committee

By unanimous consent, Senator Blanchard submitted the following report for the Committee on Economic Development:

S. B. No. 31.

#### Memorial Resolutions

H. C. R. No. 12—Memorial resolution for Charles E. Coombs.

H. C. R. No. 13—Memorial resolution for Robert Lee Bobbitt.

S. R. No. 54—By Senator Christie: Memorial resolution for J. S. "Pappy" Heins.

S. R. No. 55—By Senator Mauzy: Memorial resolution for Dr. William R. Gee.

S. R. No. 56—By Senator Snelson: Memorial resolution for Mrs. Lula H. Gwin.

S. R. No. 57—By Senator Snelson: Memorial resolution for Ezra Cecil Morris.

S. R. No. 58—By Senator Snelson: Memorial resolution for R. E. "Bob" Leese.

S. R. No. 59—By Senator Snelson: Memorial resolution for Mrs. Axcie C. Seale.

S. R. No. 60—By Senator Snelson: Memorial resolution for Joe W. Espy.

S. R. No. 61—By Senator Snelson: Memorial resolution for A. B. McCain.

S. R. No. 62—By Senator Snelson: Memorial resolution for Jasper Barham "Jap" Foster.

#### Congratulatory Resolutions

S. C. R. No. 7—By Senator Schwartz: Commending the citizens of Brazoria County for their efforts directed to the benefit of Linda Lou Rose, a young girl deprived of her family, and in particular for the establishment and maintenance of a fund for her education.

S. R. No. 64—By Senator Blanchard: Extending congratulations to Sigma Phi Epsilon fraternity for its many accomplishments.

S. R. No. 65—By Senator Schwartz: Extending congratulations to Miss Clara Knipling on her selection as "Outstanding Elementary Teacher of America for 1972."

S. R. No. 66—By Senator Schwartz: Extending congratulations to Pete S. Miller on his selection as "Boss of the Year" by Galveston chapter of American Business Women's Association.

#### Recess

On motion of Senator Word, the Senate at 4:12 o'clock p.m. took recess until 11:00 o'clock a.m. tomorrow.

### THIRD DAY

(Continued)

(Thursday, October 5, 1972)

#### After Recess

The Senate met at 11:00 o'clock a.m. and was called to order by the President.

Reverend W. H. Townsend, Chaplain, offered the invocation.

#### Leaves of Absence

Senator Bates was granted leave of absence for today on account of important business on motion of Senator Moore.

Senator Watson was granted leave of absence for today on account of important business on motion of Senator Word.

Senator Bernal was granted leave of absence for today on account of important business on motion of Senator Kothmann.

#### Reports of Standing Committees

By unanimous consent, Senator Aikin submitted the following reports for the Committee on Finance:

S. B. No. 48.

C. S. S. B. No. 17 (Read first time).

S. B. No. 35 (Amended).

#### Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolutions:

H. C. R. No. 10

H. C. R. No. 11

H. C. R. No. 8

(Senator Mauzy in Chair)

#### Senate Bill 18 On Second Reading

On motion of Senator Creighton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 18, A bill to be entitled "An Act exempting certain aviation schools and instructors from the Texas Proprietary School Act; etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 18 On Third Reading

Senator Creighton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S. B. No. 18 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Blanchard
Beckworth	Bridges